

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RANDALL NICK,

Petitioner,

v.

PAUL RENICO,

Respondent.

Case Number 00-10319-BC

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

**ORDER DIRECTING THE FILING OF
PAPER DOCKETED IN THE STATE COURT RECORD**

On January 29, 2001, the respondent filed a motion to dismiss the petitioner Randal Nick's petition for a writ of habeas corpus on grounds that the petitioner is barred by the statute of limitations contained in 28 U.S.C. § 2244(d)(1). The respondent subsequently filed a response to the petitioner asserting the same ground for dismissal. The respondent contends that a paper docketed as entry 61 on March 3, 1995 labeled as "Correspondence/Lester Pollak" does not qualify as a post-conviction motion for relief that serves to toll the statute of limitations. The petitioner claims that the paper contains all of the required elements to seek relief from judgment from the state court that would toll the limitations period. Upon review, the Court finds that the paper at issue is not in the record.

Accordingly, it is **ORDERED** that the respondent file the paper docketed on March 3, 1995 as entry 61 in the state court record on or before **August 29, 2005**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: August 15, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 15, 2005.

s/Tracy A. Jacobs

TRACY A. JACOBS